



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

760 - CONTROLLED SUBSTANCES

GENERAL ORDER: 2014-78
ISSUED: July 25, 2014

EFFECTIVE: July 25, 2014

REVIEWED/APPROVED BY:
Captain Regina Howard
DATE: July 02, 2014

ACTION: Amends General Order 2010-23 (August 6, 2010)

WILEAG STANDARD(S): 6.5.1

760.00 PURPOSE

The purpose of this standard operating procedure is to identify the department's procedures regarding controlled substance investigations, arrests, and the inventorying of controlled substances or paraphernalia.

760.05 DEFINITIONS (WILEAG 6.5.1)

A. CONTROLLED SUBSTANCE

A drug, substance or immediate precursor included in Schedules I to V in subchapter II [Wis. Stat. § 961.01(4)].

1. Substances that have the appearance of a controlled substance but test "negative" shall be inventoried as controlled substances.
2. All prescription medications, scheduled or un-scheduled and "unknown" substances shall be inventoried as controlled substances.

B. RESIDUE

Minute traces of a controlled substance.

C. DRUG PARAPHERNALIA

Equipment, products and materials of any kind that are used, designed for use or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of Wis. Stat. § 961.

760.10 DISTRICT STATIONS

- A. District commanders shall provide adequate workspace for drug testing.
- B. Only department personnel trained in the use of the Narcotics Pouch Test (NPT) are authorized to test for controlled substances using the narcotics pouch. [REDACTED]

REDACTED

C. District stations drug testing areas shall be equipped with an electronic scale.

D.

REDACTED

E.

REDACTED

F.

REDACTED

G. District commanders shall ensure that adequate security envelopes are available.

REDACTED

760.15 PROCESSING ARRESTS AND CONTROLLED SUBSTANCES (WILEAG 6.5.1)

A. ARRESTS AND RECOVERED CONTROLLED SUBSTANCES

1. Officers effecting a controlled substances related arrest and/or recovering suspected controlled substances, except those assigned to the Narcotics Division, shall immediately notify the shift commander of the district in which the arrest or recovery occurred. This notification shall be made from the location of the arrest or recovery.
2. If a large or unusual amount of controlled substances is recovered, district shift commanders should contact a Narcotics Division supervisor for guidance regarding the controlled substances and/or arrest.

REDACTED

3. After receiving instructions from their shift commander regarding processing the case, officers shall immediately convey the arrested person and/or suspected controlled substances to be processed. Officers shall not convey prisoners from the original arrest scene prior to receiving instructions for processing the case. If exigent circumstances exist, and prior to receiving instructions where the arrest will be processed, the prisoner may be transported to a district station or to the Central Booking Section.
4. Controlled substances shall be inventoried by placing the substances in a security envelope (form PE-14S or M). If small items of paraphernalia are involved, they may also be placed into the security envelope along with the controlled

substances.

REDACTED

If the controlled substances exceed the capacity of the security envelope, the controlled substance may be packaged in the larger envelopes (form PE-14M) or telescoping boxes provided for packaging controlled substances. If the security envelope is numbered, the number shall be entered on the inventory report above the inventory report number.

The member testing the controlled substance and a witness shall place his or her signature on the security envelope or box after the envelope has been sealed. After the inventory has been signed by a supervisor, the security envelope, as well as the inventory shall then be placed in the district safe. No other location may be used to store controlled substances except as authorized by the Chief of Police or designee.

5. The arresting officer(s) shall interview the suspect(s) in custody for state statutes narcotics related cases. If the arresting officer(s) believe that the suspect(s) should not be interviewed, they shall consult with their shift commander.

B. NARCOTICS INCIDENT REPORT

1. A *Narcotics Incident Report* (form PV-3A, PV-3B or PV-3C) shall be completed whenever controlled substances are recovered. Only one PV-3A, PV-3B or PV-3C is required for seizures that occur at one location during a short time period even if it involves multiple types of controlled substances and/or multiple arrests.
2. A supervisor may determine that a *Department Memorandum* (form PM-9E) (lieutenant's report) should be filed in lieu of the PV-3A, PV-3B or PV-3C. A lieutenant's report is filed in cases involving a significant seizure, buy-bust, search warrant, etc.
3. The PV-3A shall be used for all seizures and controlled substance arrests made by the Narcotics Division.
4. The PV-3C shall be used for all seizures and controlled substances arrests made by non-Narcotics Division personnel. The PV-3C shall be reviewed and signed by a supervisor.
5. The PV-3B shall be used in addition to PV-3A or PV-3C whenever multiple arrests are made and/or multiple seizures of controlled substances occur during one incident.
6. The lieutenant's report shall be faxed to the Narcotics Division upon completion if the case is processed at a district station.
7. All completed REDACTED

C. ASSET FORFEITURE REQUIREMENTS (MONEY SEIZURES)

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

4. Officers finding money which is believed to be the proceeds of drug trafficking shall make a cursory inspection of the money to ensure that the money is eligible to be seized under federal or state seizure laws with a qualifying charge. Qualifying seizure charges include:
- a. Possession of a Controlled Substance with Intent to Deliver
 - b. Delivery of a Controlled Substance
 - c. Conspiracy to Deliver a Controlled Substance
 - d. Conspiracy to Possess a Controlled Substance with Intent to Deliver
 - e. Maintaining a Drug Trafficking Place (Keeper of a Drug House)
 - f. Manufacture of a Controlled Substance
 - g. Delivery of an Imitation Controlled Substance
5. When an arrest is made for a qualifying charge and there are assets the arresting officer believes are subject to forfeiture under Wis. Stat. § 961.55 he/she shall contact his/her shift commander to ensure that the asset(s) in question are eligible for seizure.

REDACTED

6. The final count of the money shall be documented in all reports and memorandum books of the supervisor on scene and the seizing officer. A supervisor from the Narcotics Division shall determine who the seizing officer is, but when appropriate the shift commander can also make this determination.

7.

REDACTED

8. Money shall not be inventoried or taken to any police facility and the person arrested or in possession of said money shall not be conveyed from the scene of the seizure, unless prior authorization is obtained from the member(s) shift commander, or a supervisor

REDACTED

9. If it is determined that the investigating officers are to inventory the money, the person arrested and in possession of the money shall be listed as the "claimant" on the *Inventory Report* (form PP-32), unless he/she expressly denies ownership. In such cases, this information shall be documented in the "Circumstances" field of the PP-32.

- D.

REDACTED

1. Ensure a supervisor responds to the scene to supervise the counting of the monies.
2. Document final count of the money in all reports and memorandum books of the supervisor on scene and the seizing officer. A supervisor from the Narcotics Division shall determine who the seizing officer is, but when appropriate a shift commander can also make this determination.
3. Inventory the money as evidence.
4. Complete all necessary reports related to the arrest.
5. Make an effort to determine where the monies came from. This shall be documented in the narrative of the incident report.

6.

REDACTED

- a. Incident number;
- b. Suspect name;
- c. Property to be seized;
- d. Arresting officers contact information.

7. Make an extra copy of all reports, including a copy of the signed search warrant if applicable.
 8. Forward copies of all reports to the Narcotics Division by the next day.
- E. The Narcotics Division shall prepare all necessary reports needed to commence any federal or state asset forfeiture process if applicable.
- F. PROPERTY CONTROL SECTION (PCS)
1. PCS shall be responsible for the retention of evidence in all narcotics cases.
 2. [REDACTED]
 3. Upon receipt of the envelope, the PCS officer shall stamp, initial, and date the security envelope.
 4. The PCS officer shall date and initial the security envelope before transporting the envelope to the regional crime laboratory.

760.20 "NO CASE" CONTROLLED SUBSTANCES RECOVERY (WILEAG 6.5.1)

- A. When a shift commander determines that recovered controlled substances will be processed as a "no case" [REDACTED] the suspected controlled substances shall immediately be conveyed to the district station.
- B. The district shift commander shall have the suspected controlled substance tested and the weight recorded. The district shall retain the original PV-3C.

Note: Suspected controlled substances shall be processed without delay.

760.25 CITY MARIJUANA CASES (WILEAG 6.5.1)

A. MUNICIPAL CITATION

Milwaukee City Ordinance 106-38.2 allows officers to issue a municipal citation for possession of 25 grams or less of marijuana that appears to be solely for personal use. However, under the following circumstances, possession of any quantity of marijuana shall be considered a violation of state statutes and processed through the Milwaukee County District Attorney's Office:

1. Previous arrest and conviction for possession of marijuana, either as a violation of municipal ordinance or state statute.
2. Previous arrest and conviction for any other violations of Wis. Stat. § 961 Uniform

Controlled Substances Act.

3. Previous conviction for any felony.
4. Previous conviction for any misdemeanor crime involving violence (e.g., battery-domestic violence).
5. Persons on probation or parole.


Note: A Narcotics Division supervisor may be contacted for a final determination of a city or state case.

- B. If a Narcotics Division supervisor determines the case should be processed as a city case under Milwaukee City Ordinance 106-38.2, the suspected controlled substance shall immediately be conveyed to the district station.
- C. The district shift commander shall have the suspected controlled substance tested and the weight recorded. A PV-3C shall be completed and retained at the district. The arresting officer shall question the suspect in custody. A PA-45A and PA-45B shall be completed.

Note: Suspected controlled substances shall be processed without delay.

760.30 RELEASE/DESTRUCTION OF CONTROLLED SUBSTANCES (WILEAG 6.5.1)

- A. Any commanding officer or a supervisor designee can review and authorize the release or destruction of narcotics from a controlled substance case. If a member of one of the Geographic Investigations Division is in charge of the controlled substance case, then only a commanding officer or supervisor designee from the respective Geographic Investigations Division shall review and authorize the release or destruction of said narcotics.
- B. The PCS shall be responsible for the destruction of controlled substances and related paraphernalia as outlined in SOP 560.
 1. In cases where constructive possession cannot be proven (e.g., "no case" controlled substances), as well as municipal cases, inventoried controlled substances and/or paraphernalia can lawfully be disposed of according to current retention schedules.
 2. With a disposition order, controlled substances from misdemeanor and/or felony cases may be lawfully disposed of one (1) year following the date of final disposition of the case, if no appeal has been filed.



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